

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

RACHEL SANTEL,)	
)	
Plaintiff,)	
)	
vs.)	Case No. 3:20-CV-00176-MAB
)	
COMMISSIONER OF SOCIAL)	
SECURITY,)	
)	
Defendant.)	

MEMORANDUM AND ORDER

BEATTY, Magistrate Judge:

This matter is before the Court on Plaintiff's First Motion for Attorney Fees, filed on December 22, 2020. Plaintiff requests attorney fees in the amount of \$5,005.00 (Doc. 32). Plaintiff is not seeking any additional costs. Defendant, instead of filing a response to Plaintiff's motion, filed an "Agreed Motion to Award Attorney Fees" on January 5, 2021 (Doc. 33). In this motion, Defendant asks the Court to grant Plaintiff \$4,900.00 in attorney fees (Doc. 33). Defendant indicates that Plaintiff has "consented to the amount and method of payment" and the motion contains Plaintiff's counsel's signature with her consent (Doc. 33).

The Court finds that Plaintiff is the prevailing party and is entitled to an award of attorney's fees pursuant to the Equal Access to Justice Act, 28 U.S.C. §2412(d)(1)(B). The Court further finds that the agreed upon amount is reasonable and appropriate. This award shall fully and completely satisfy any and all claims for fees and expenses that

may have been payable to Plaintiff in this matter pursuant to the Equal Access to Justice Act, 28 U.S.C. §2412.

Accordingly, the agreed Motion for Attorney Fees (Doc 33) is **GRANTED**. The Court awards Plaintiff attorney's fees and expenses in the amount of \$4,900.00 (four thousand nine hundred dollars and zero cents). The Plaintiff's First Motion for Attorney Fees (Doc. 32) is **MOOT**.

The amount awarded is payable to Plaintiff and is subject to set-off for any debt owed by Plaintiff to the United States, per *Astrue v. Ratliff*, 560 U.S. 586 (2010). See also, *Harrington v. Berryhill*, 906 F.3d 561 (7th Cir. 2018). However, any part of the award that is not subject to set-off to pay Plaintiff's pre-existing debt to the United States shall be made payable to Plaintiff's attorney pursuant to the EAJA assignment executed by Plaintiff (Doc. 32-5).

IT IS SO ORDERED.

DATED: April 12, 2021

s/ Mark A. Beatty
MARK A. BEATTY
United States Magistrate Judge